

ZB# 95-53

Herbert Langanke

4-1-65.1

#95-53-Langanke, Herb
Area - 4-1-65.

Prelim.

Nov. 13, 1995.

7 pro & con.
When list is verified - mailing 12/1/96

Need copies:

- ① Deed
- ② Title Report
- ③ Fees & 50.00^{paid}
- ④ Photos 300.00^{paid}

Notice to Langanke - 12/1/95 & 12/1/96

Public Hearing

January 8, 1996
Cancelled -
snowstorm

Jan. 22, 1996.

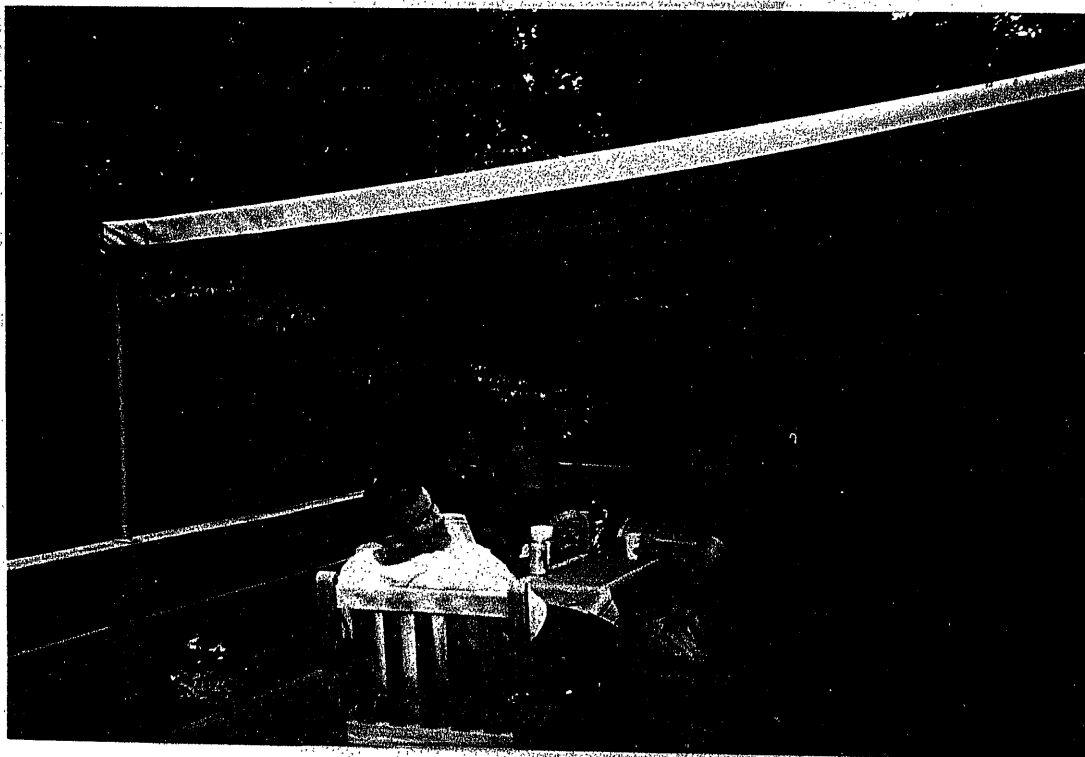
Application

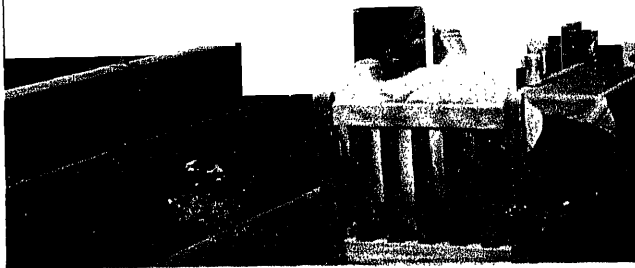
Approved

3-D

Refund: \$198.50

562-2693





TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, NY 12550		GENERAL RECEIPT	15156
		December 1, 1995	
Received of <u>Herbert E. Langanke</u>		\$ <u>35⁰⁰/₁₀₀</u>	
<u>Twenty-five and 00/100</u>		DOLLARS	
For <u>Assessor's Variance Fee</u>			
DISTRIBUTION:			
FUND	CODE	AMOUNT	
Check # 6265		\$ 35 ⁰⁰ / ₁₀₀	
		By <u>Dorothy H. Hansen</u>	
		<u>Town Clerk</u>	
		Title	

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555 Union Avenue New Windsor, NY 12550			15157
		Dec. 20 1995	
Received of <u>Herbert Langanke</u>		\$ <u>50⁰⁰/₁₀₀</u>	
<u>Fifty 00/100</u>		DOLLARS	
For <u>ZBA # 95-53</u>			
DISTRIBUTION:			
FUND	CODE	AMOUNT	
Chk # 6288		50 ⁰⁰ / ₁₀₀	
		By <u>Dorothy H. Hansen</u>	
		<u>Town Clerk</u>	
		Title	

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Date 4/5, 1976

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Herbert Langhake DR.

Charge :

[illegible]

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Langanke, Herb

FILE # 95-53

RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 11/13/95 - 4 pages \$ 18.00
2ND PRELIM. MEETING - PER PAGE 11/22/96 - 3 pages \$ 13.50
3RD PRELIM. MEETING - PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 11/13/95 - 35.00 \$ 35.00
2ND PRELIM. . . . 11/22/96 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING \$
PUBLIC HEARING \$

TOTAL \$ 70.00

MISC. CHARGES:

TOTAL \$ 101.50

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$
REFUND DUE TO APPLICANT . \$ 198.50

(ZBA DISK#7-012192.FEE)



Herbert E. Langanke
Katherine M. Langanke
25 Steele Rd.
New Windsor, NY 12553

50-235611
219
0225139476

6327

12/15/95

Pay to
the order of

Two New Windsor

\$300.00

Three hundred and 00/100

Dollars

THE
BANK OF
NEW
YORK

280 Broadway
Newburgh, NY 12550

MICRO # 95-53 ZBA.

Herbert E Langanke

MP

⑆021902352⑆ ⑆0225139476⑆ 6327

In the Matter of the Application of

HERBERT LANGANKE,

#95-53.

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

WHEREAS, HERBERT LANGANKE, 25 Steele Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for relief of Section 48-14A(4) of the Supplementary Yard Regulations in order to allow an existing garage to project nearer to street than principal residence, and also a 4 ft. side yard variance for the existing garage, at the above premises in a PI zone; and

WHEREAS, a public hearing was held on the 22nd day of January, 1996, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared before the Board for this proposal; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke and there was no opposition to the application before the Board; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The property is a one-family home located in a neighborhood of one-family homes.

(b) On checking the property, the Applicant has found that the garage on the property is a few inches closer to the property line than the 10 ft. requirement in the zone.

(c) The garage in question is angled and a portion of the garage is actually 11 ft. 5 in. from the side yard but due to the angle of the garage, at its closest point it is actually closer than 10 ft. to the side yard boundary.

(d) There is on the northside of the property a small

wooden shed which causes the garage to project closer to the street than does the house.

(e) Both the garage and house are approximately 60 ft. from the street.

(f) The property is located in a densely wooded area. The structures cannot be seen from the street and the street cannot be seen from the structures.

(g) There are no complaints from the neighbors.

(h) The garage in question has existed on the property for approximately 16 years.

(i) The garage is located on a foundation and cannot be easily moved. It is a two-car garage.

(j) There are similar garages and wood sheds in the neighborhood.

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than through the variance procedure.

3. The variances requested are not substantial.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but should be granted.

6. It is the finding of this Board that the benefit to the Applicant, if the requested area variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. It is the further finding of this Board that the requested area variances are appropriate and is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the Zoning Code and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT relief from Section 48-14A(4) of the Supplementary Yard Regulations in order to allow a two-car garage which projects closer to street than the principal residence, and a 4 ft. side yard variance for the two-car garage, at the above residence in a PI zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: March 11, 1996.


Chairman

(ZBA DISK#13-030696.HL)

Date 1/30/96, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
1/22/96		Zoning Board Meeting	75 00	
		Misc - 4		
		Kim - 6		
		Petro metals - 10		
		Insul-Sash - 5		
		Mans - 6		
		Langanke - 3 - 13.50		
		Mylonas - 3		
		Digeratu - 13		
		Price Chopper - 2		
		<u>52</u>	234 00	
			309 00	

PUBLIC HEARING:

LANGANKE, HERB

MR. NUGENT: Request for 4 ft. side yard and variation of Section 48-14A(4) of Supplementary Yard Regulations which states that no building shall project nearer to street than principal building, located at 25 Steele Road in a PI zone.

MR. LANGANKE: I'll abstain from this next action.

MR. NUGENT: Is there anybody here for Herb Langanke item?

MR. KRIEGER: Let the record reflect there are no persons wishing to speak on this application.

Mr. Herb Langanke appeared before the board for this proposal.

MR. LANGANKE: Gentlemen, I reside at 25 Steele Road, New Windsor. The reason I'm here is because I realized that the zoning board deals in precise measurements. My house has a certificate of occupancy, it was recently refinanced and I obtained the refinancing without any problems. I went through all the documentation but because I'm on the board, I decided to take a ruler, just measure myself, some of my setbacks. On my garage which was built approximately 16 years ago, the setback on the, let's see, the setback from the west side of the property, the east side, I'm sorry, the east side of the property is actually a few inches short of the required ten foot. The diagram is wrong, it shows 11 foot five inches but that is from the other side of the garage, the north side of the garage, the garage is angled a bit and it brings that particular side closer to the boundary than is allowed by several inches. So for that reason, I'm here requesting a variance for the side setback. I'm requesting a little bit more than the actual measurement because since I'm here, I realize that it doesn't cause anymore problems to ask for a little additional measurement. I also have on the north side of the garage a small wooden shed which makes the

garage project closer to the street than the house. They are both about 60 foot away from the street. It's a densely wooded area, you cannot see the street. However, again, this is something that is not allowed by, you know, our zoning requirements.

MR. REIS: Herb, have you had any complaints from your neighbors about this?

MR. LANGANKE: No. Actually, I had several neighbors call me and tell me that it didn't present a problem with them.

MS. BARNHART: One of them was Mr. Rider.

MR. NUGENT: Dave Rider wrote a letter.

MR. KRIEGER: You said the garage has been in place 16 years, how long has the wood shed been there?

MR. LANGANKE: Approximately, a little less than that. The garage was built first and the wood shed maybe a year later, the wood shed was added on.

MR. KRIEGER: The only way that you could correct this would be to tear down the garage? I assume the garage is on some sort of a foundation?

MR. LANGANKE: Cement garage cannot be moved.

MR. KRIEGER: You'd have to rip it all out?

MR. LANGANKE: That would have to be done.

MR. KRIEGER: And it's a, I see it's a two car garage?

MR. LANGANKE: Yes.

MR. KRIEGER: So it is substantial. You built the wood shed, was the garage there when you acquired the property?

MR. LANGANKE: No.

MR. KRIEGER: Okay, I have what I need.

MR. TORLEY: I would say that even now it's almost impossible to see this garage from the road. It clearly is not an eyesore by any means.

MS. BARNHART: I have an affidavit of service by mail in the file signed by myself stating that we sent out on December 15th, 18 addressed envelopes containing the attached notice of public hearing.

MR. NUGENT: Any further questions?

MR. REIS: Accept a motion?

MR. NUGENT: Accept a motion.

MR. REIS: Make a motion that we accept Mr. Langanke's request for his variances.

MR. TORLEY: Second it.

ROLL CALL

MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Packet Nov. 13, 1995
~~Page~~
#95-53

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 10-6-95

APPLICANT: HERBERT LANGANKE JR

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: OCT-28-81

FOR (BUILDING PERMIT): GARAGE

LOCATED AT: 25 STEELE ROAD

ZONE: PI

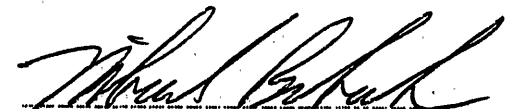
DESCRIPTION OF EXISTING SITE: SECTION: 4 BLOCK: 1 LOT: 65.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

#1. 48-14 A 4 NO BUILDINGS SHALL PROJECT NEARER
D. TO THE STREET THAN SUCH PRINCIPAL BUILDINGS.

#2. SIDE YARD
A.

D.


BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR
AVAILABLE

VARIANCE
REQUEST

ZONE:

USE:

MIN. LOT AREA

MIN. LOT WIDTH

REQ'D FRONT YD

REQ'D SIDE YD

REQ'D TOTAL SIDE YD

10'

6'

4'

REQ'D REAR YD

REQ'D FRONTAGE

MAX. BLDG. HT.

FLOOR AREA RATIO

MIN. LIVABLE AREA

DEV. COVERAGE

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD.

CC: Z.B.A. APPLICANT, B.P. FILES.

1977

OCTOBER 28, 1981

BUILDING PERMIT

FEE: 25.00

A permit is hereby given by the Zoning Officer of the Town of New Windsor, Orange County, N. Y., for building as described:

Owner's Name LANGANKE, HERBERT E.

Address 2 J STEELE ROAD

Architect's Name WICKS SHELTER SYSTEMS

Address WALDEN

Builder's Name GUNNER

Address

Location of Building STEELE ROAD 4-1-3221

Material FRAME Number of Stories 1 Number of Families 1

Dimensions of Building 20x24 - 8x14' SHED ATTACHED TO GARAGE Dimensions of Lot

Use of Building GARAGE Number of Bedrooms 1

Number of Toilets 1 Number of Baths 1

Heating Plant.

I am familiar with the Zoning Ordinance of the Town of New Windsor.

Remarks:

.....

Signature of Applicant Herbert E. Langanke

Approximate Cost \$ 3000.-

Action of -

Planning Board

Highway

Water

Sewer

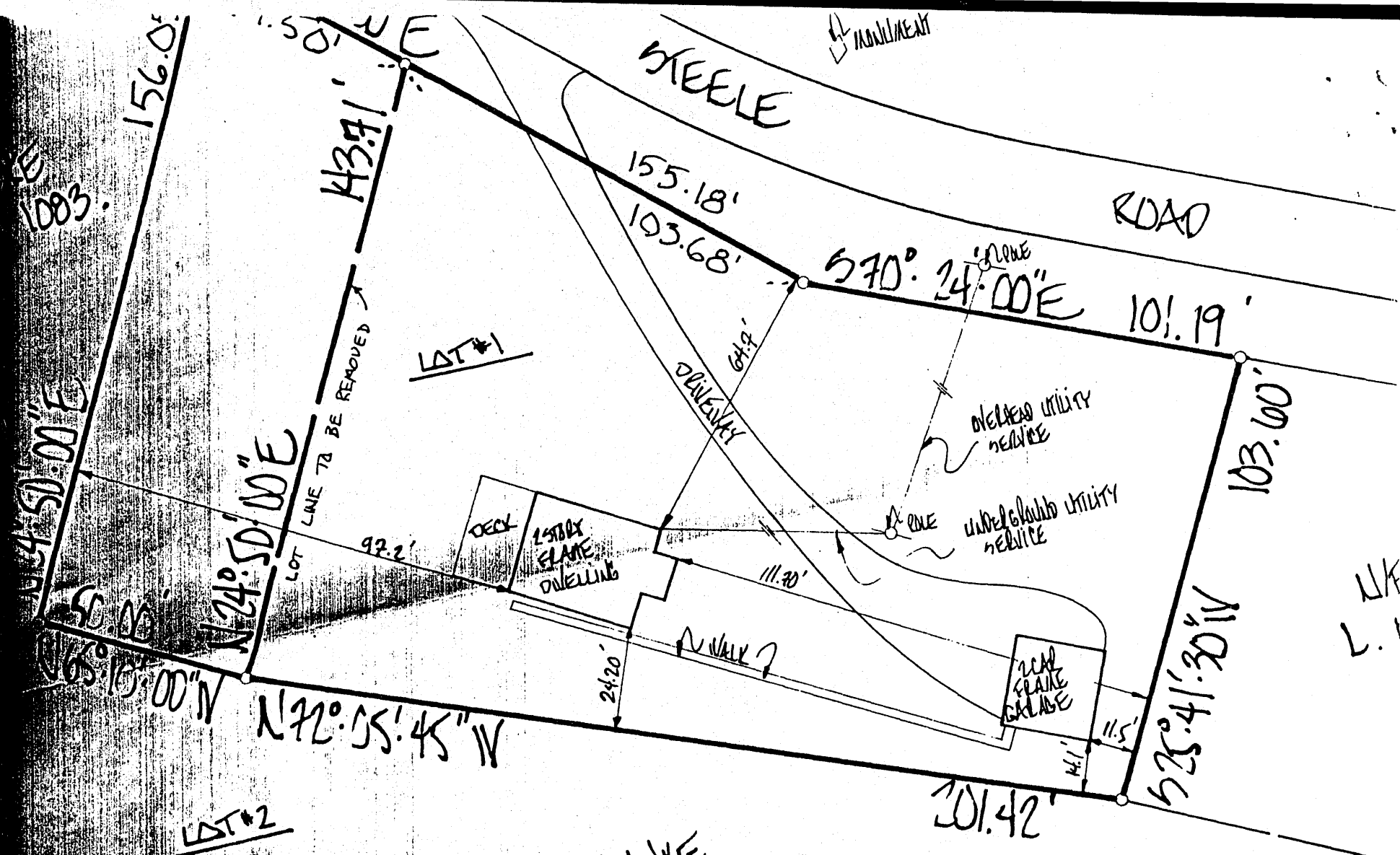
Zoning Board of Appeals

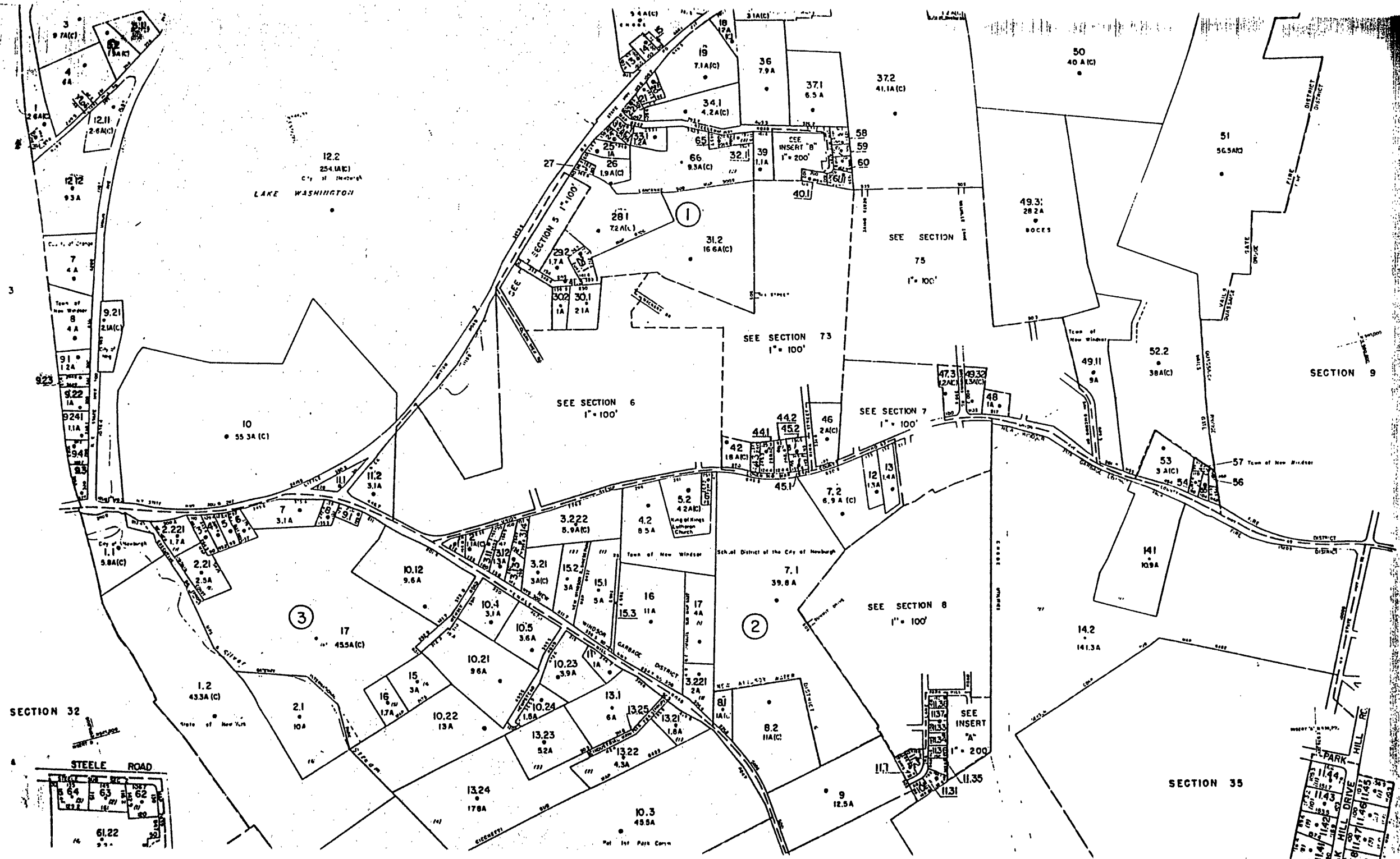
Howard R. [Signature]
Zoning Officer

IMPORTANT

A permit under which no work is commenced within 6 months after issuance shall expire by limitation and a new permit shall be secured before work is started.

It is the responsibility of the owner and/or the contractor to comply with all applicable township ordinances and to call for the required inspections one day in advance.





Rec'd. TA
Office 12/20/95
PAB

RIDER, WEINER, FRANKEL & CALHELHA, P.C.
ATTORNEYS & COUNSELLORS AT LAW

M.J. RIDER (1906-1968)
ELLIOTT M. WEINER (1915-1990)

DAVID L. RIDER
CHARLES E. FRANKEL
MOACYR R. CALHELHA
MICHAEL J. MATSLER
DONNA M. BADURA
MAUREEN CRUSH
MARK C. TAYLOR
RODERICK E. DE RAMON

427 LITTLE BRITAIN ROAD
POST OFFICE BOX 2280
NEWBURGH, NEW YORK 12550
TEL. (914) 562-9100

FAX 914-562-9126

CRAIG F. SIMON
DAVID E. TOWER
OF COUNSEL

KATHERINE M. LANGANKE

RICHARD A. CHASE
LEGAL ASSISTANTS

December 19, 1995

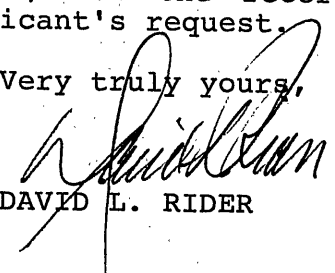
Town of New Windsor
Zoning Board of Appeals
555 Union Avenue
New Windsor, N.Y. 12553

Re: Request of Herbert E. Langanke, Jr.
Appeal No. 53

Dear Chairman Nugent and Members of
the Town of New Windsor Zoning Board of
Appeals:

We are in receipt of a notice of public hearing
on January 8, 1996, with respect to the above-captioned
appeal. We would like to note, for the record, that
we have no objection to the applicant's request.

Very truly yours,


DAVID L. RIDER

DLR:ll

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for Variance of

Herbert Langanke,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

95-53

-----x
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On December 15, 1995, I compared the 18 addressed
envelopes containing the attached Notice of Public Hearing with
the certified list provided by the Assessor regarding the above
application for variance and I find that the addressees are
identical to the list received. I then mailed the envelopes in a
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
15th day of December, 1995.

Deborah Green
Notary Public
DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1997

(TA DOCDISK#7-030586.AOS)

Pls. publish immediately. Send bill to Applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 53

Request of HERBERT E. LANGANKE, JR.

for a VARIANCE of the Zoning Local Law to permit:

existing garage with insufficient side yard which garage
projects nearer to street than principal building;

being a VARIANCE of Sections 48-12 - Table of Use/Bulk Regs.,
Col. F and Section 48-14A(4) of Supplemental Yard Regulations,
for property situated as follows:

25 Steele Road, New Windsor, N.Y. 12553

known as tax lot Section 4 Block 1 Lot 65.1

SAID HEARING will take place on the ^{22nd} ~~8th~~ day of January,
1996, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT
Chairman

By: Patricia A. Barnhart, Secy.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

18

November 30, 1995

Mr. Herbert E. Langanke, Jr.
25 Steele Road
New Windsor, N. Y. 12553

Re: Tax Map Parcel #4-1-65.1

Dear Mr. Langanke:

According to our records, the attached list of property owners are within five Hundred (500) feet of the above-referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00, leaves a balance due of \$10.00.

Sincerely,

Leslie Cook (Cms)

LESLIE COOK
Sole Assessor

/pab
Attachment

cc: Patricia A. Barnhart, ZBA

Kollmorgen Instruments Corp.
405 Little Britain Road
New Windsor, N. Y. 12553

Peter M. & Sharon L. Owejan
419 Little Britain Road
New Windsor, N. Y. 12553

Gregory Gaetano
421 Little Britain Road
New Windsor, N. Y. 12553

David L. Rider, Esq.
427 Little Britain Road
Newburgh, N. Y. 12553

Otto Scheible
439 Little Britain Road
New Windsor, N. Y. 12553

James A. & Mele A. Perrego
27 Steele Road
New Windsor, N. Y. 12553

Elaine Pietrazk
7 Steele Road
New Windsor, N. Y. 12553

Joseph P. & Myra Jean Geraci
Steele Road
New Windsor, N. Y. 12553

Lois Steele
P. O. Box 2181
New Windsor, N. Y. 12553

Michael Ciaffone
% Algonquin Supply Corp.
153-155 South Plank Road
Newburgh, N. Y. 12550

Charles K. and Anna Maria Vakirtzis
Steele Road
New Windsor, N. Y. 12553

William O. and Allison Duffy
39 Steele Road
New Windsor, N. Y. 12553

Thomas J. and Kathleen L. Griffin
356 Nina Street
New Windsor, N. Y. 12553

Carmine and Frances Lepora
354 Nina Street
New Windsor, N. Y. 12553

Robert F. and Margaret K. Mullins

131 Willow Avenue
Cornwall, N. Y. 12518

Howard and Elsa App
350 Nina Street
New Windsor, N. Y. 12553

John C. and Kathryn McCrossen
348 Nina Street
New Windsor, N. Y. 12553

Patrick Murtagh
Lisa Izzo
345 Nina Street
New Windsor, N. Y. 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

95-53

Date: 11/29/95

I. Applicant Information:

- (a) LANGANKE, HERBERT E., JR., 25 Steele Road, New Windsor, NY x
(Name, address and phone of Applicant) (Owner)
- (b) n/a
(Name, address and phone of purchaser or lessee)
- (c) n/a
(Name, address and phone of attorney)
- (d) n/a
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) PI 25 Steele Rd., New Windsor, NY 4-1-65.1 256 x 156+
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 12/31/86
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? Yes
If so, when? 12/85
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a

IV. Use Variance. n/a

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

(b)^{n/a} The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application. n/a

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No x.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F and Sec. 48-14A(4) of the Supplemental Yard Regulations

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10 ft.</u>	<u>6 ft.</u>	<u>4 ft.</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____%	_____%	_____%
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance: There is a certified survey which does not reveal the violation. A certificate of occupancy was issued to applicant, but applicant wishes to correct the deficiency in the survey by seeking a variance of 3 ft. for garage and shed. Also, applicant wishes to correct the deficiency with respect to Sec. 48-14A(4) of the Supplementary Yard Regulations. There will be no change produced in the character of the neighborhood because the structure has been in existence for 18 years. (You may attach additional paperwork if more space is needed)

VI. Sign Variance: n/a

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs. n/a

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs? n/a

VII. Interpretation. n/a

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

The parcel is dense with trees and foliage and the garage and shed cannot be seen from the roadway.

IX. Attachments required:

- x Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- x Copy of tax map showing adjacent properties.
- n/a Copy of contract of sale, lease or franchise agreement.
- x Copy of deed and title policy.
- x Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- n/a Copy(ies) of sign(s) with dimensions and location.
- x Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- x Photographs of existing premises from several angles.

X. Affidavit.

Date: November 29, 1995

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x. Herbert E Langenknecht
(Applicant)

Sworn to before me this

1st day of December, 1995.

XI. ZBA Action:

(a) Public Hearing date:

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1997

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Date 11/22/95, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Syracuse Dr DR.

New Windsor Ny 12553

DATE			CLAIMED	ALLOWED
11/13/95	Zoning Board Mtg		75 00	
	Misc - 2			
	Langanke - 4	18.00		
	Rhodes - 3			
	Kimber - 8			
	Upstate - 4			
	Schlesinger - 5			
	Johnson - 3			
	McCarville - 3			
	32		144 00	
			219 00	

PRELIMINARY MEETING:

LANGANKE, HERBERT:

MR. NUGENT: Request for 4 ft. side yard and variation of Section 48-14A(4) of supplemental yard regulations, states that no building shall project nearer to street than principal building located at 25 Steele Road in a PI zone.

Mr. Herbert Langanke appeared before the board for this proposal.

MR. LANGANKE: The reason I am here tonight is because I'm on the zoning board and I realize that we deal in inches. I took a ruler and measured my setbacks. I have a C.O. for my property. I recently refinanced the mortgage and I had no problems. Everything was okay. The problem I detected was with the garage on the southeast corner of the property, the setback on my survey says 11'5". The only problem is that 11'5" is on the north end of the garage, the garage is angled so that the south end is actually a little less than ten feet. So it's a problem. And what I would like is a variance for a couple of feet, simply because we tell applicants to the board if you are here for a variance, take a little extra. So although I'm only a few inches short, I'll ask for a couple of feet. The other problem is the distance of the house from Steele Road and the garage from Steele Road. I have a picture here that just shows the depth of the foliage, if you will pass that around, it's like a very steep decline and immense trees and woods, it's not a lawn. You cannot see the road from the house or the garage. I constructed a small wood shed on the north side of the garage measuring 10 foot by 14 foot. That wood shed puts the garage closer to the road than the house. At some distant point in the future, if I didn't get relief from that regulation, I would probably have to tear the wood shed down so since I'm here, I would like relief from that regulation also. Those are the two problems.

MR. NUGENT: Herb, the two car garage, do you have a stake or a lot line that you are accurately measuring

the ten foot measurement?

MR. LANGANKE: Yes.

MR. NUGENT: What's in front of us here is a certified survey, am I correct?

MR. LANGANKE: Right. Well, you see this 11'5" here, well, it's from the other corner and the garage is angled.

MR. NUGENT: This 11'5" should be up here, not here.

MR. LANGANKE: Yes, right and the garage is angled a little bit.

MR. KRIEGER: It's really 10, 11'5" should be here.

MR. LANGANKE: Right, it's actually nine and change so a mistake was made there and only because I took a ruler and said oh, something's wrong here so according to the paperwork, I have a C.O. and I'm okay.

MR. NUGENT: You refinanced and they didn't catch it?

MR. LANGANKE: No, they didn't. You'd only know if you went out there with a ruler like I did and it's only like I say a matter of inches really but a mistake was made.

MR. REIS: So you being an upstanding citizen of the Town of New Windsor.

MR. NUGENT: And a member of the zoning board.

MR. REIS: You created a problem that doesn't exist.

MR. LANGANKE: I have seen what can happen.

MR. LANGANKE: But you can ask Mike, before I have ever done everything, I have gone to the building inspector, outlined my plans and I have asked him, Mike, what do I need.

MR. REIS: You have got no intention of the moving the

November 13, 1995

4

garage?

MR. LANGANKE: You can't, it's cement.

MR. REIS: It doesn't cause any heartache to your neighbors in any way, shape or form?

MR. LANGANKE: You can't see it.

MR. BABCOCK: It's approximately 60 feet from the road this garage.

MR. TORLEY: Looks like it's about 110 feet from the house.

MR. LANGANKE: Yes.

MR. TORLEY: Also no regulations principal building somebody has a large lot, principal building is 300 feet down away from the principal building, is a garage, it still counts?

MR. BABCOCK: Yeah, it says cannot project closer to the road than the principal building. So if your principal building is 100 feet from the road, you need to be 100 feet from the road with an accessory structure.

MR. REIS: How long has the garage been there, Herb?

MR. LANGANKE: Oh, probably 18 years.

MR. REIS: Accept a motion?

MR. NUGENT: Yes. No further questions, accept a motion.

MR. REIS: Make a motion that we have Mr. Langanke move forward on his request for his variances.

MR. TORLEY: Second it.

ROLL CALL

MR. LANGANKE ABSTAIN

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MR. TORLEY AYE
MR. REIS AYE
MR. NUGENT AYE

MS. BARNHART: Here is your paperwork.

MR. KRIEGER: You want to take this picture or--

MR. NUGENT: Yeah, bring it to the public hearing.

Kollmorgen Instruments Corp.
405 Little Britain Road
New Windsor, N. Y. 12553

Peter M. & Sharon L. Owejan
419 Little Britain Road
New Windsor, N. Y. 12553

Gregory Gaetano
421 Little Britain Road
New Windsor, N. Y. 12553

David L. Rider, Esq.
427 Little Britain Road
Newburgh, N. Y. 12553

Otto Scheible
439 Little Britain Road
New Windsor, N. Y. 12553

James A. & Mele A. Perrego
27 Steele Road
New Windsor, N. Y. 12553

Elaine Pietrazk
7 Steele Road
New Windsor, N. Y. 12553

Joseph P. & Myra Jean Geraci
Steele Road
New Windsor, N. Y. 12553

Lois Steele
P. O. Box 2181
New Windsor, N. Y. 12553

Michael Ciaffone
% Algonquin Supply Corp.
153-155 South Plank Road
Newburgh, N. Y. 12550

Charles K. and Anna Maria Vakirtzis
Steele Road
New Windsor, N. Y. 12553

William O. and Allison Duffy
39 Steele Road
New Windsor, N. Y. 12553

Thomas J. and Kathleen L. Griffin
356 Nina Street
New Windsor, N. Y. 12553

Carmine and Frances Lepora
354 Nina Street
New Windsor, N. Y. 12553

Robert F. and Margaret K. Mullins

131 Willow Avenue
Cornwall, N. Y. 12518

Howard and Elsa App
350 Nina Street
New Windsor, N. Y. 12553

John C. and Kathryn McCrossen
348 Nina Street
New Windsor, N. Y. 12553

Patrick Murtagh
Lisa Izzo
345 Nina Street
New Windsor, N. Y. 12553

39 S.F. SIGN AREA VARIANCE FOR FREESTANDING SIGN IN ORDER TO CONSTRUCT A PROFESSIONAL OFFICE ON A TRIANGULAR SHAPED PARCEL IN A PO ZONE (FORMERLY R-4). UNDER ZBA FILE #89-47 APPLICANT WAS DENIED A VARIANCE FOR USE VARIANCE TO ALLOW PROFESSIONAL OFFICE BUILDING IN AN R-4 ZONE AFTER A PUBLIC HEARING WHICH WAS HELD ON 10/23/89. APPLICANT THEREAFTER PETITIONED THE TOWN BOARD FOR A ZONE CHANGE FROM R-4 TO PO AND WAS GRANTED SAME ON JULY 16, 1992.

4-1-11.2 SMITH/BRADY/HARRIS USE VARIANCE GRANTED
INTERSECTION TEMPLE HILL RD/RT. 207 #82-9 R-4 ZONE 11/8/82
REQUEST TO CONSTRUCT BUILDING TO HOUSE OFFICE AND LIGHT
INDUSTRIAL USE IN R-4 ZONE.

4-1-12.12 DIPLOMAT MOTOR LODGE USE VARIANCE GRANTED
845 UNION AVENUE #72-9 5/1/72
PROPOSAL FOR RESTAURANT AND MOTEL

4-1-12.12 DIPLOMAT MOTOR LODGE VARIANCE - SIGN GRANTED
845 UNION AVENUE #77-27 OLI ZONE 9/26/77
REQUEST FOR 150 S.F. VARIANCE FOR FREE-STANDING DOUBLE-FACED SIGN
AND 40 S.F. SIGN VARIANCE FOR BUILDING SIGN.

4-1-12.11 DIPLOMAT ASSOCIATES/BANTA FOOD CO. USE VARIANCE GRANTED
REQUEST FOR EXTENSION OF NON-CONFORMING USE, A RESTAURANT,
IN AN OLI ZONE.

4-1-12.12 TUNG, P. S. INC. SIGN VARIANCE GRANTED
DIPLOMAT MOTOR LODGE RESTAURANT #83-16 OLI 5/09/83
REQUEST FOR 318 S.F. SIGN AREA VARIANCE FOR MOTOR LODGE; SIGN TO
DEPICT ADDED POOL, SAUNA AND RESTAURANT AT MOTEL COMPLEX AT 845 UNION
AVENUE.

4-1-14 BURGESS, CLIFF & OLIVE USE VARIANCE GRANTED
412 LITTLE BRITAIN RD. #82-16 12/13/82
REQUEST FOR USE VARIANCE FOR CONSTRUCTION OF AN ADDITION TO
RESIDENCE WHICH WILL BE A SECOND APARTMENT IN R-4 ZONE.

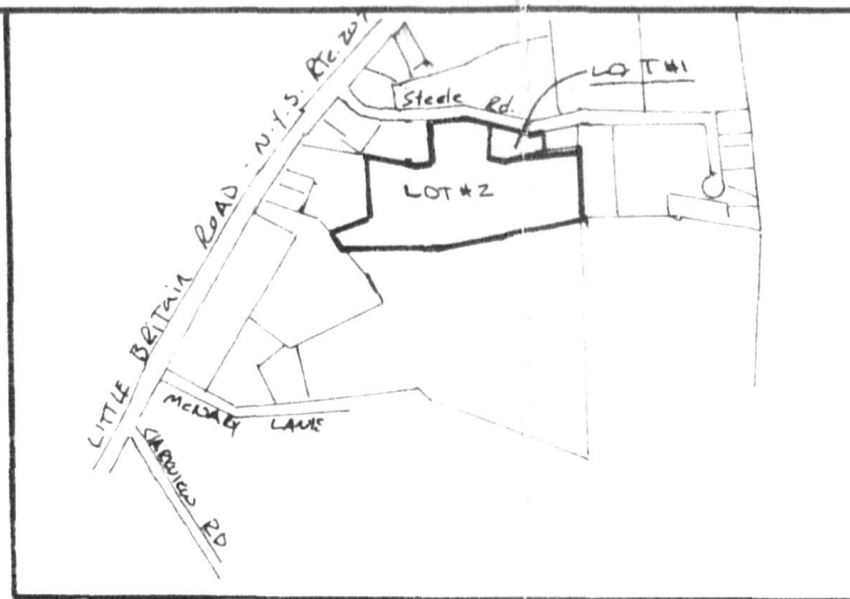
4-1-22 PIETRZAK ENTERPRISES AREA VARIANCES GRANTED
24 LITTLE BRITAIN ROAD #72-2 LOT/SETBACK/SIDEYD 2/17/72
PURCHASER DESIRES TO CONSTRUCT OFFICE/PROFESSIONAL BUILDING
UPON SUBDIVISION OF ONE PARCEL INTO THREE.

4-1-24/25 CVC CAPITAL/ADVANCE BROADCASTING AREA VARIANCE GRANTED
429 LITTLE BRITAIN ROAD PI ZONE #89-26 10/23/89
REQUEST FOR 35 FT. HEIGHT VARIANCE TO ALLOW CONSTRUCTION OF RADIO
RELAY TOWER AT 429 LITTLE BRITAIN ROAD IN PI ZONE (CONSTRUCTION OF 80
FT. RADIO RELAY TOWER).

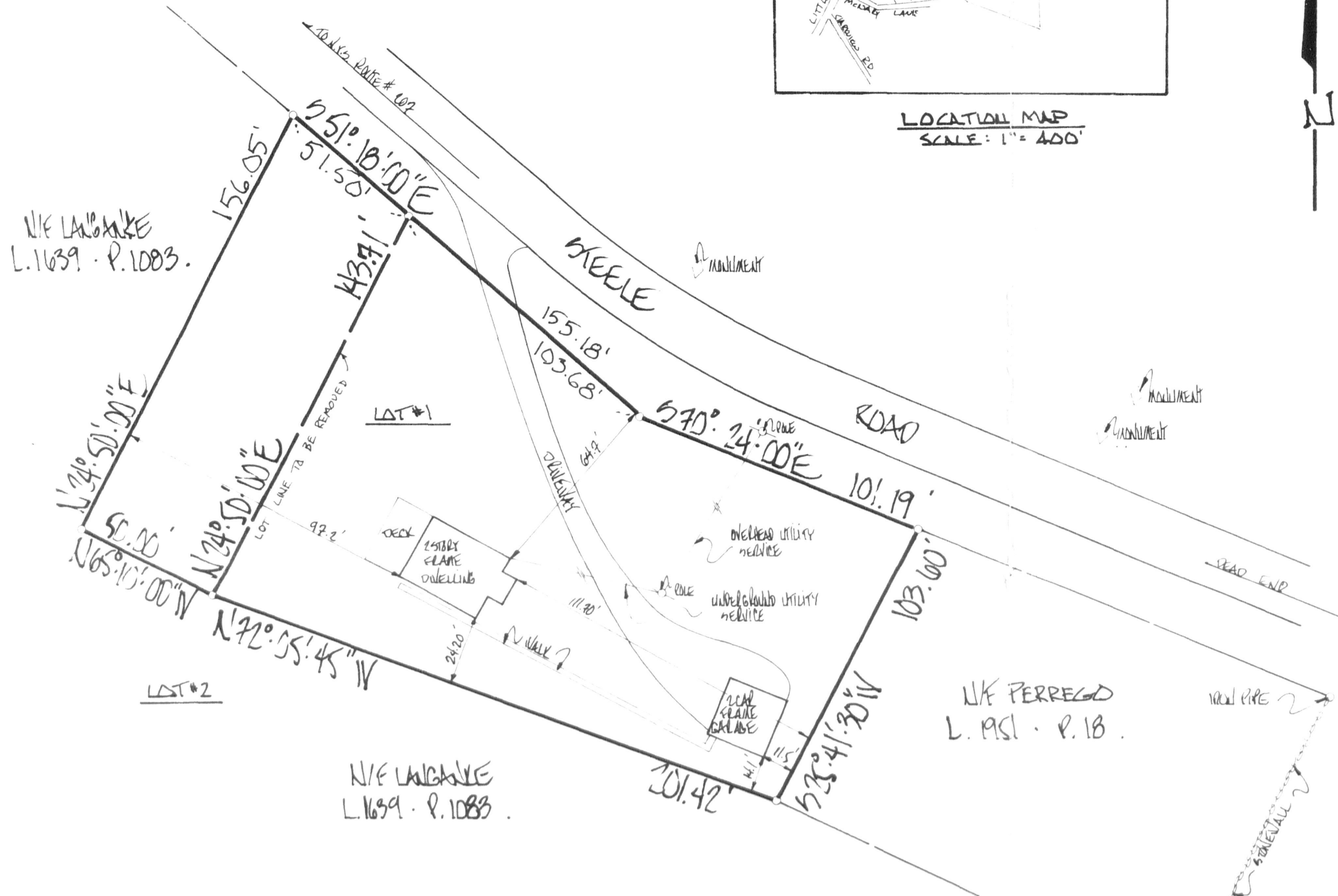
4-1-24 VANACORE, DE BENEDICTUS, DI GIOVANNI SPEC.PERMIT GRANTED
& WEDDELL #86-3 PI ZONE 02/10/86
REQUEST TO LOCATE TEMPORARY OFFICE TRAILER TO REAR OF EXISTING
OPERATION IN A PI ZONE LOCATED AT 429 LITTLE BRITAIN ROAD, SAID USE
NOT TO EXCEED SIX (6) MONTHS FROM THE DATE OF FORMAL DECISION.

4-1-32.21 LANGANKE, HERBERT USE/AREA VARIANCE GRANTED
26 STEELE ROAD #85-48 PI ZONE 1/27/86
REQUEST FOR USE VARIANCE TO CONSTRUCT SINGLE-FAMILY RESIDENCE IN
PI ZONE. ALSO, 20 FT. REAR YARD VARIANCE IS REQUIRED FOR PI ZONE.

4-1-33 PIETRZAK, ELAINE AREA VARIANCE GRANTED
7 STEELE ROAD #83-15 PI ZONE 5/23/83



LOCATION MAP
SCALE: 1" = 400'



N/E LANGANKE
L. 1639 - P. 1003.

N/E LANGANKE
L. 1639 - P. 1003.

N/E PERRELO
L. 1951 - P. 18.

LOT AREAS:

LOT #1	EXISTING	2.5097	S F	10,530	ACRES
	PROPOSED	30,591	S F	702	ACRES
LOT #2	EXISTING	405.108	S F	9.3	ACRES
	PROPOSED	397.614	S F	9.127	ACRES

TO HERBERT E. LANGANKE KATHERINE M. LANGANKE
HERBERT E. LANGANKE JR. AND THE TOWN
OF NEW WINDSOR CERTIFIED TO BE A CORRECT
AND ACCURATE SURVEY.

DECEMBER 15, 1988.

TAX MAP DATA:
SECTION N : 4
BLOCK : 1
LOT : 65 & 66

DEED REFERENCE:
LIBEL : 2004.
PAGE : 791.

MAP REFERENCE:
1. SUBDIVISION OF LANDS FOR HERBERT
LANGANKE SR.
DATED : JUNE 1, 1973.
FILED : JUNE 10, 1973.
MAP # 3009 : LOT B.
2. SURVEY OF LANDS FOR HERBERT E. LANGANKE
JR.
DATED : DECEMBER 27, 1985.

RECORD OWNERS:

LOT #1 HERBERT E. LANGANKE, JR. & KATHERINE M. LANGANKE
27 STEELE RD
NEW WINDSOR, NEW YORK 12550
LOT #2 HERBERT E. LANGANKE
435 LITTLE BRITAIN RD
NEW WINDSOR, NEW YORK 12550

LOT LINE CHANGE APPROVAL
BY TOWN OF NEW WINDSOR PLANNING BOARD
ON AUG. 18, 1988

BY *Lawrence Jones*
LAWRENCE JONES
SECRETARY

TOWN OF NEW WINDSOR
PLANNING BOARD
APPROVED COPY
DATE: 12-14-88

TOWN OF NEW WINDSOR
PLANNING BOARD
APPROVED COPY
DATE:



PATRICK T. KENNEDY, L.S.		
219 QUINNIPAC AVENUE, NEW WINDSOR, NEW YORK 12550		
SCALE 1" = 50'	APPROVED BY	DRAWN BY M.A.M.
DATE DECEMBER 15, 1988		REVISED
LOT LINE CHANGE FOR HERBERT E. LANGANKE HERBERT E. LANGANKE JR. & KATHERINE M. LANGANKE		
TOWN OF NEW WINDSOR COUNTY OF ORANGE - NEW YORK		DRAWING NUMBER 85-430A